

IN RE: PETITION FOR RESIDENTIAL * BEFORE THE
ZONING VARIANCE *
S/S Penny Lane, 159 ft. +/- W * ZONING COMMISSIONER
of c/l Abbey Road *
507 Penny Lane * OF BALTIMORE COUNTY
8th Election District *
4th Councilmanic District * Case No. 96-501-A
Richard D. Kilchenstein, et ux *
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Richard D. Kilchenstein and Lynda L. Kilchenstein, his wife, for that property known as 507 Penny Lane in the Warren Village subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Sections 1B02.3.C.1, 504 (V.b.9 CMDP) to allow a side yard setback of 23 ft. in lieu of the required 25 ft. for an attached enclosed sunroom and open deck. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

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FOR FILING
7/18/96
In York

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of July, 1996, that the Petition for a Zoning Variance from Sections 1B02.3.C.1, 504 (V.b.9 CMDP) to allow a side yard setback of 23 ft., in lieu of the required 25 ft., for an attached enclosed sunroom and open deck, be and is hereby GRANTED, subject, however, to the following restriction:

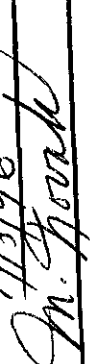
1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

FILED FOR FILING

7/18/96



By



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 507 PENNY LANE

96-501-A

which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1B02.3.C.1, 504 (V.b.9 C.M.D.P.)
To allow a side yard setback of 23' in lieu of the required 25' for an attached enclosed sun room and open deck.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

BECAUSE OF A SETBACK REGULATION OF 25' TO STREET WE WOULD BE IMPAIRED THIS REGULATION BY 2' FOR A DISTANCE OF APPROX. 10' BECAUSE OUR DWELLING IS A CORNER LOT THE AFFECTED AREA WOULD BE AT SIDE OF DWELLING NOT THE FRONT.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

(Type or Print Name)

Address

Phone No

Signature

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Address

Phone No

Name

City

State

Zipcode

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

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Zoning Commissioner of Baltimore County

REVIEWED BY: R.T.

DATE:

6-19-96



Printed with Soybean Ink
on Recycled Paper

ITEM #: 502

ESTIMATED POSTING DATE:

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 507 PENNY LANE
address
COCKEYSVILLE MD 21030
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

BECAUSE OF A SETBACK REGULATION OF 25'
TO STREET WE WOULD BE IMPEDING THIS
REGULATION BY 2' FOR A DISTANCE OF APPROX.
10'. BECAUSE OUR DWELLING IS A CORNER
LOT THE AFFECTED AREA WOULD BE AT
SIDE OF DWELLING NOT THE FRONT.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Richard Kilchenstein
(signature)
RICHARD KILCHENSTEIN
(type or print name)



Lynda Kilchenstein
(signature)
Lynda Kilchenstein
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of June, 19 96, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Richard & Lynda Kilchenstein

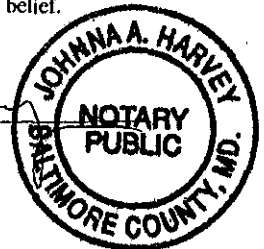
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

6-4-96
date

NOTARY PUBLIC

My Commission Expires: 10-29-96



EXAMPLE 3 - Zoning Description

3 COPIES

96-501-A

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 507 PENNY LANE
(address)

Beginning at a point on the SOUTH side of
(north, south, east or west)
PENNY LANE which is 50'
name of street on which property fronts (number of feet of right-of-way width)
wide at the distance of 159' + WEST of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street ABBEEY RD
(name of street)
which is 50' wide. *Being Lot # 5,
(number of feet of right-of-way width)
Block _____, Section # _____ in the subdivision of WARREN VILLAGE
(name of subdivision)
as recorded in Baltimore County Plat Book # 44, Folio # 150,
containing .24 Acres. Also known as 507 PENNY LANE
(square feet or acres) (property address)
and located in the 8TH Election District, _____ Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber __, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

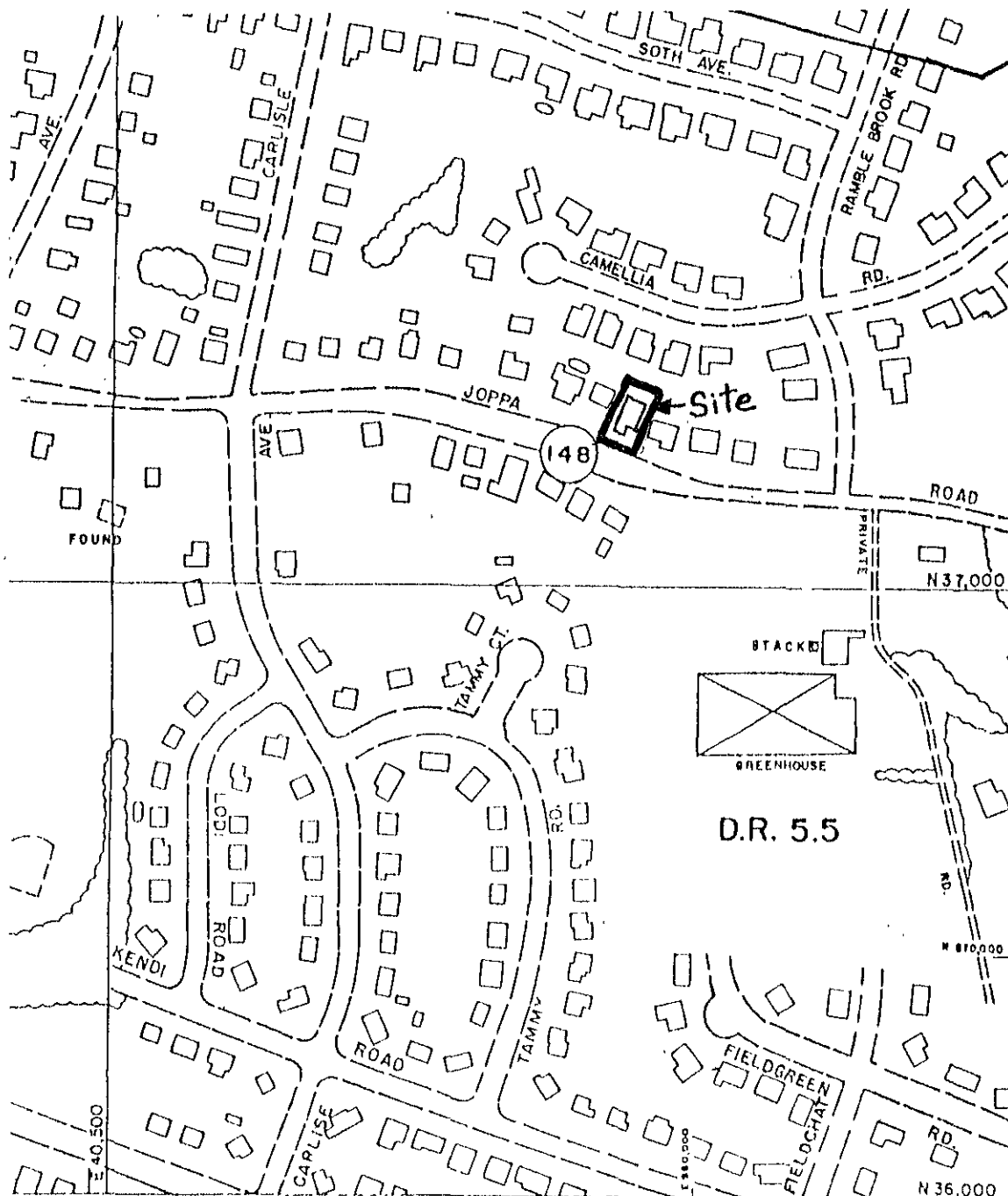
Typical metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E 87 2 ft., S 62° 19' 00" W. 318 ft., and N.08° 15' 22" W 80 ft. to the place of beginning.

ITEM #502

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EXAMPLE 4 -- Zoning Map

1 COPY



SCALE	LOCATION	SHEET
1" = 200' ±	PERRY HALL	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986		10-G

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-501-A

District: 7d

Date of Posting: 6/19/96

Posted for: Variance

Petitioner: Richard & Lynda Klehonsfeld

Location of property: 507 Perry Lane

Location of Sign: Facing road on property being used

Remarks: _____

Posted by: M. Healy

Signature

Date of return: 7/5/96

Number of Signs: 1

RECORDED

RECORDED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 502 Petitioner: T.J. SIMMONS & SON CONTRACTOR

Location: 507 PENNY LAKE COCKESVILLE MD. 21030

PLEASE FORWARD ADVERTISING BILL TO:

NAME: T.J. SIMMONS & SON c/o TIMM SIMMONS

ADDRESS: 1115 E VANGUARD WAY

BEL AIR, MD. 21015

PHONE NUMBER: 1-410-893-2445

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Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: _____

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

plat book # _____, folio # _____, lot # _____, section # _____

OWNER: _____



North

date: _____
prepared by: _____

Scale of Drawing: 1" = _____

LOCATION INFORMATION



Vicinity Map
scale: 1"=1000'

Election District: _____

Councilmanic District: _____

1"=200' scale map#: _____

Zoning: _____

Lot size: _____

acreage _____ square feet _____

SEWER: ☐ public ☐ private

WATER: ☐ yes ☐ no

Chesapeake Bay Critical Area: ☐ yes ☐ no

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 27, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-501-A (Item 502)
507 Penny Lane
5/S Penny Lane, 159¹/₂ W of c/l Abbey Road
8th Election District - 4th Councilmanic
Legal Owner(s): Richard D. Kilchenstein and Lynda L. Kilchenstein

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before June 30, 1996. The closing date (July 15, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

cc: Richard and Lynda Kilchenstein

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 10, 1996

Richard and Lynda Kilchenstein
507 Penny Lane
Cockeysville, MD 21030

RE: Item No.: 502
Case No.: 96-501-A
Petitioner: R. Kilchenstein, et ux

Dear Mr. and Mrs. Kilchenstein:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 19, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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on Recycled Paper



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on Recycled Paper

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 07/03/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JULY 01, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 500, 502, 503, 504, 505, 506,
507 AND 508.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



NOTED
JUL 10 1996
FIRE MARSHAL'S OFFICE

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: July 5, 1996

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
For July 8, 1996
Item Nos. 502, 504, 506, 507 & 508

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: file

ZONE16

"MICROFILMED"

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM
FROM: R. Bruce Seeley
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: JULY 1, 1996

DATE: 7-1-96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 501
502
504
506
507
508

Bruce Seeley

RBS:sp

BRUCE2/DEPRM/TXTSBP

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: June 27, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. Item Nos. 491, 500, 502, 503, 504, 505, 506, 507, and 508

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Dany L. Kerns

PK/JL

ITEM491/PZONE/ZAC1

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Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

6-28-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 502 (RT)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS

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My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

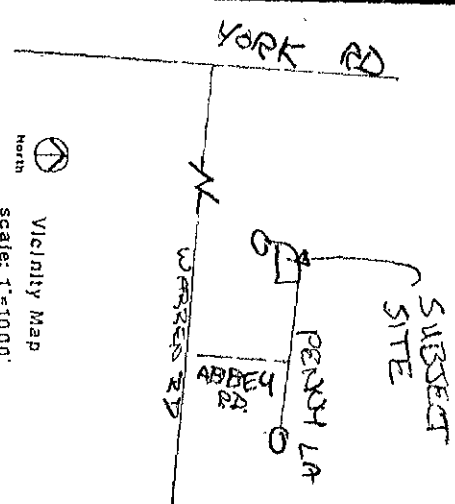
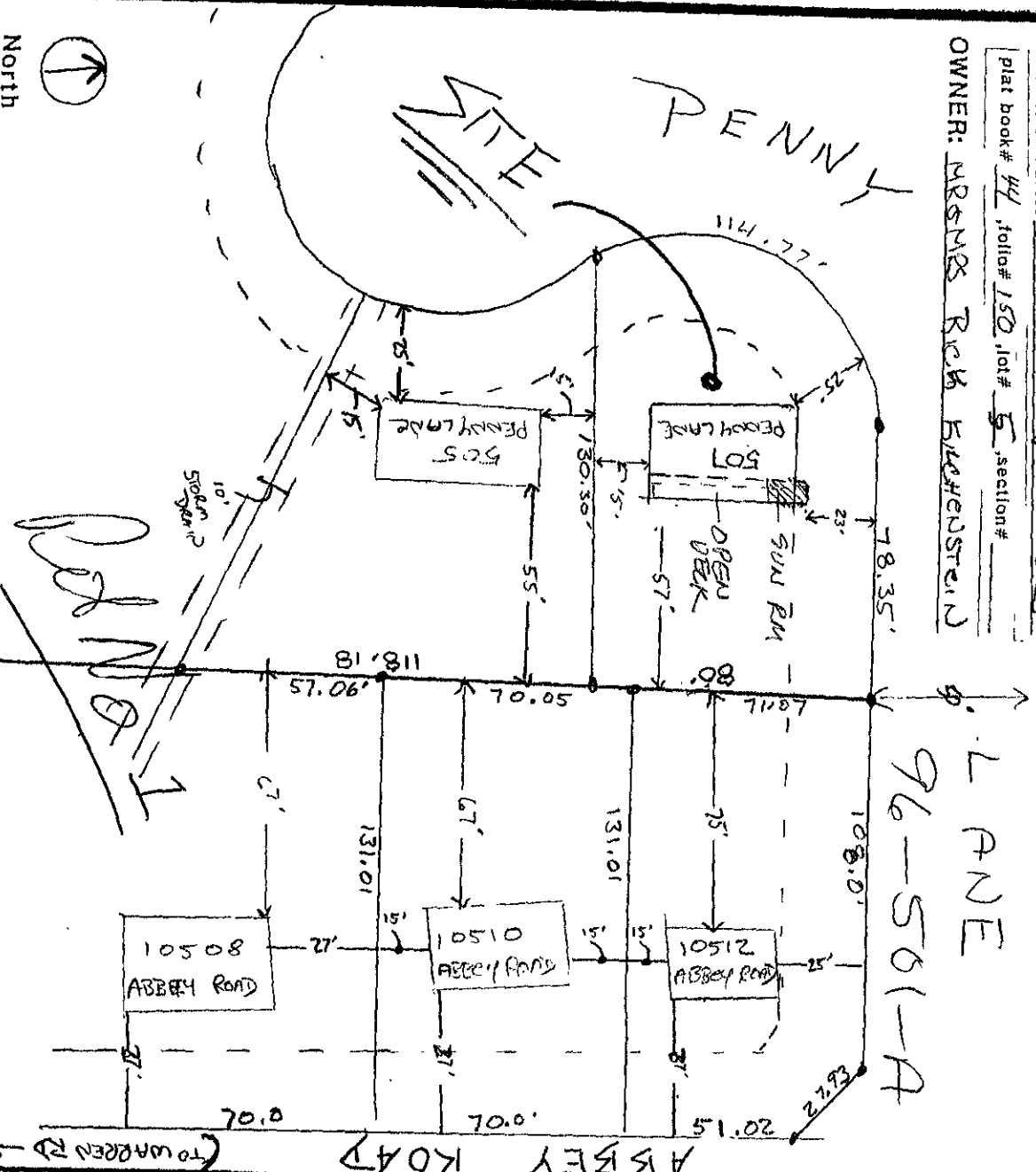
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Subdivision name: WARREN VILLAGE

plat book # 44, folio# 150, lot# 5, section#

OWNER: MR & MRS RICH EISENSTEIN

see pages 5 & 6 of the CHECKLIST for additional required information



LOCATION INFORMATION

Election District: 8

Councilman District: 4

1"=200' scale map#: NW 174

Zoning: DR 3.5

Lot size: 24
10400 Approx

80x130 L

Public ☒ Private ☐

SEWER

WATER: ☒ ☐ ☐ ☐

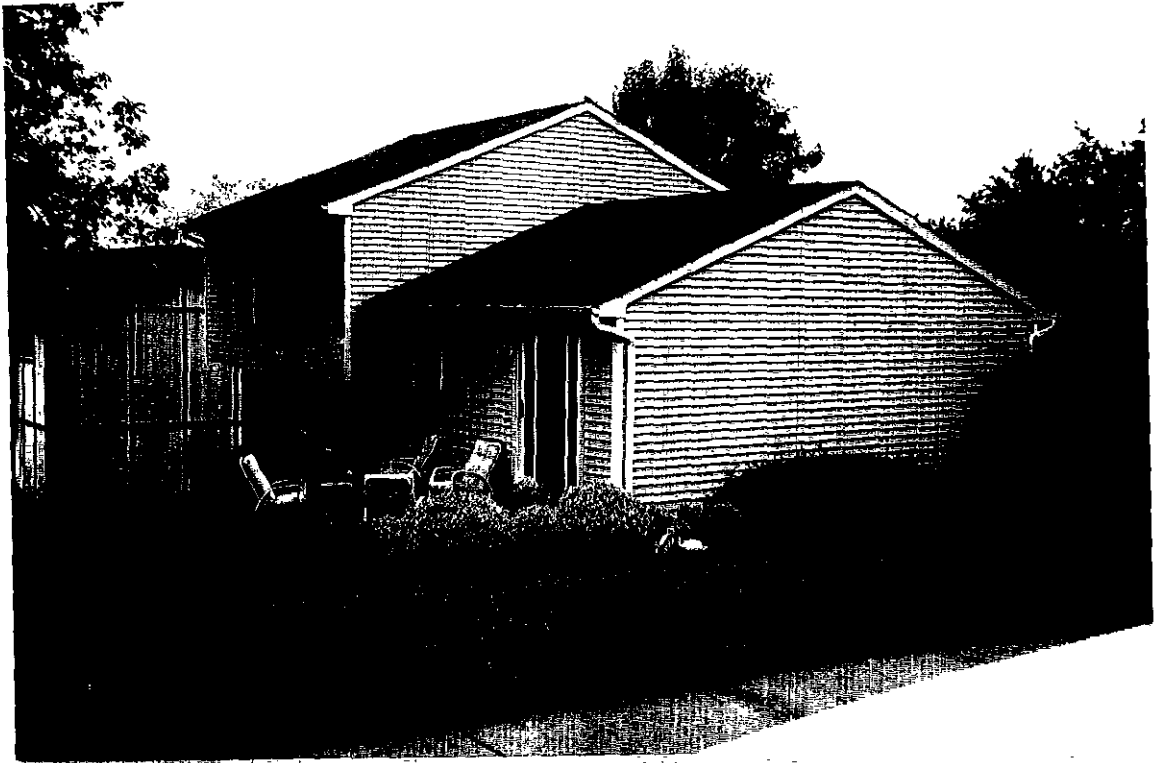
Chesapeake Bay Critical Area

Prior Zoning Hearings: N/A

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

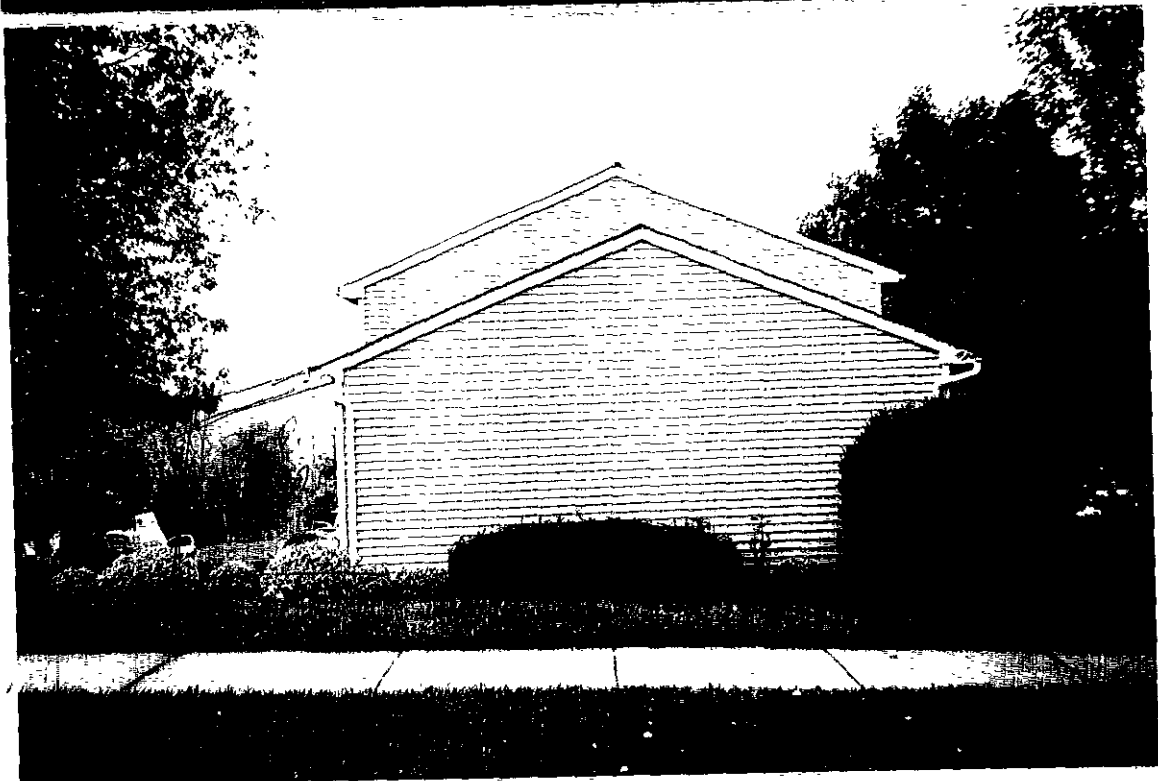
R.T.	502
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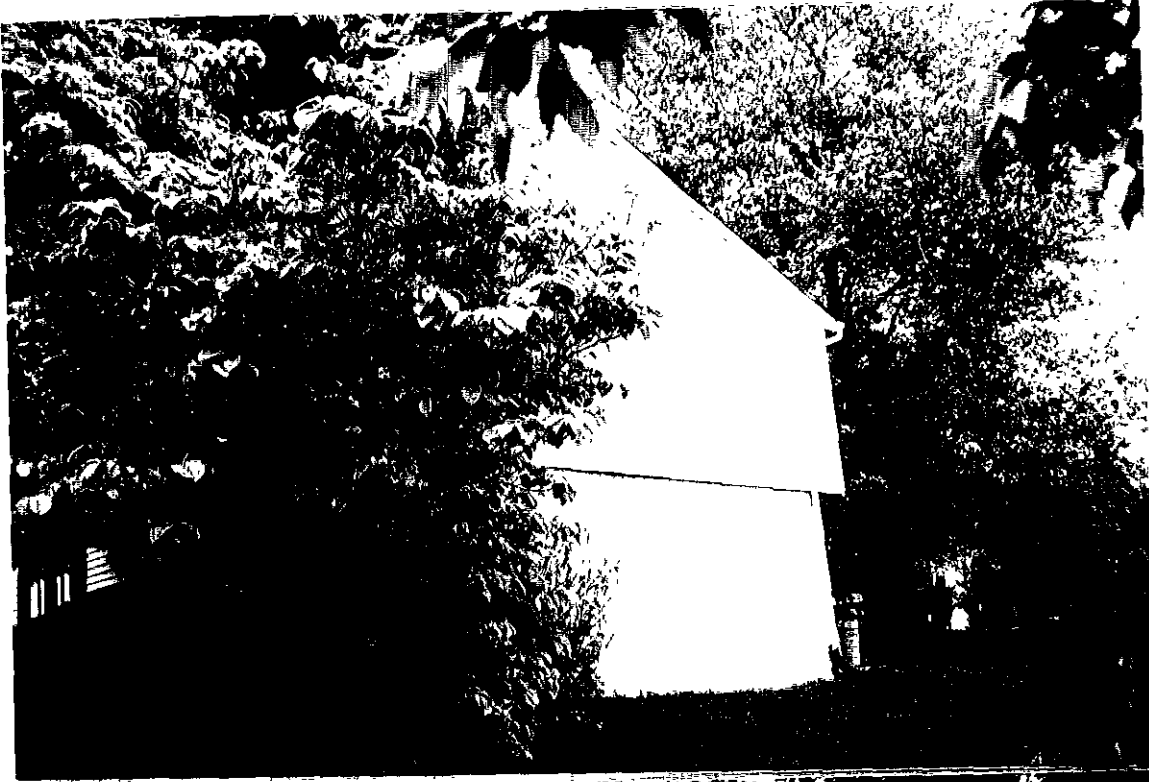
rear side



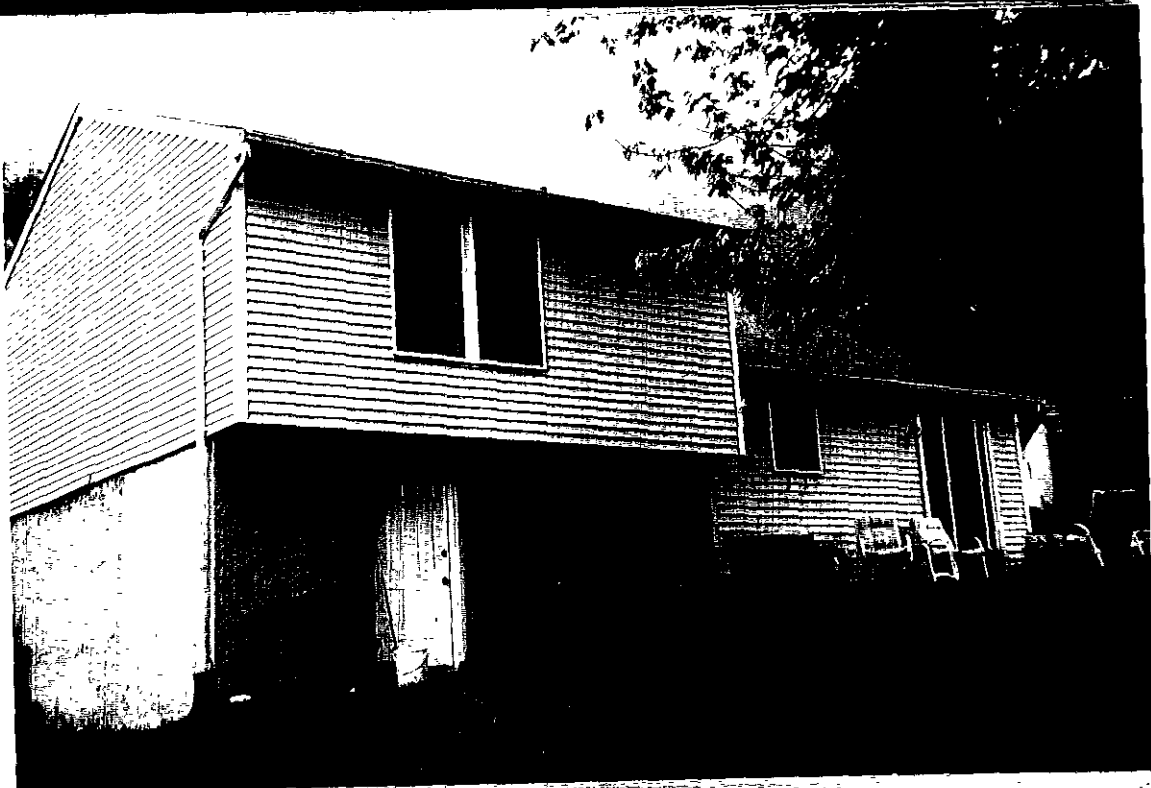
front



side



side



side/back



back

96-501-A



back/side

PHOTO (11-11)

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 18, 1996

Mr. and Mrs. Richard D. Kilchenstein
507 Penny Lane
Cockeysville, Maryland 21030

RE: Petition for Administrative Variance
Case No. 96-501-A
Property: 507 Penny Lane

Dear Mr. and Mrs. Kilchenstein:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

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